

Dear Ms. Theisen,

Could you please deliver the following letter to Mr. Vincent to be included in the record for the meeting dealing with CAPS, on 9/14? Thank you very much.

Mr. Chas. Vincent, Chair
Montana Environmental Quality Council (EQC)
State Capitol, Room 172
Helena, MT 59601

Re: Environmental Quality Council meeting, 9/13 & 9/14
Agenda Item: FWP – Critical Areas Planning System (CAPS)

Dear Mr. Vincent,

I attended the August 30, 2010 Madison County Planning Board meeting. I listened intently to Doris Fisher's presentation on CAPS. I heard her say that it was not to be used alone in making decisions. Then I listened to the Planning Board members one by one base their decision on a 300 foot setback for the Madison River on Doris Fisher's presentation.

I later reviewed the CAPS web site and found this: The following is from source: www.fwp.mt.gov/wildthings/conservationInAction/crucialAreas.html

“CAPS is not a substitute for a site-specific evaluation of fish, wildlife, and recreational resources. There is still no substitute for consulting with local FWP biologists to gain a better understanding of conditions and management challenges in a particular area of the state—but CAPS will help you start smart.”

Source: www.fwp.mt.gov/gis/maps/caps/ (User Agreement)

The Crucial Areas Planning System (CAPS) is intended to provide useful and non-regulatory information during the early planning stages of development projects, conservation opportunities, and environmental review.

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- CAPS is not intended to replace consultation with FWP staff.
- In cases where federally threatened or endangered species occur, CAPS does not replace a federal consultation under the Endangered Species Act.
- Finest data resolution is at the square mile section scale or waterbody. Use of these data layers at a more localized scale is not appropriate and may lead to inaccurate interpretations.

Let me repeat that. Source: www.fwp.mt.gov/gis/maps/caps/ (User Agreement)

The Crucial Areas Planning System (CAPS) is intended to provide useful and non-regulatory information during the early planning stages of development projects, conservation opportunities, and environmental review.

The Planning Board took it as gospel and made a decision that will negatively affect many people. They are proposing making a regulation on the basis of Doris Fisher's presentation.

I am very concerned that this CAPS program is going to be used to limit land use throughout Montana and that private property is going to be in jeopardy in the near future.

I hope you will give this serious consideration as it is a very serious matter and may make FWP the most powerful agency in the state of Montana, single handedly being the deciding factor in land use of private property. And, will it stop with stream side setbacks? Or will it go on to all lands. The AG lands, the prairie lands. Who knows where this will go.

Thank you for your concern in this important issue.

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